

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

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DAVID ELIJAH BOWERS, JR.,

Plaintiff,

v.

ORDER

09-cv-194-bbc

JANEL NICKEL, CAPTAIN RADKT,  
L.T. JOHNSON, NEUHAUSER,  
PULVER, SALENE, VANDENBROOK,  
MARSHAL, SARAH WATSON,  
NINAKU CANADY, MICHAEL THURMER,  
MICHAEL MEISENER, DON STRAHOTA,  
CAPTAIN GARRISON, TRAVIS S. CAUL  
and MARK LEISATZ,

Defendants.  
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In an order dated April 24, 2009, I granted plaintiff an extension of time until May 19, 2009, in which to pay his \$1.15 initial partial payment. The court has not received plaintiff's payment. Instead, plaintiff has submitted a motion to use release account funds to pay the initial partial payment, dkt. #8, and two motions for injunctive relief, dkts. ##9, 10. Unfortunately, because plaintiff has not paid the initial partial payment he has been assessed in this case, he cannot continue with this lawsuit.

Previously this court addressed the issue whether plaintiff may be able to pay the initial partial payment from his release account. I noted that although plaintiff may use release account funds to pay the initial partial payment if no other funds are available, his trust fund account showed that he had a zero balance in both his regular and release accounts. Therefore, if he was unable to pay the initial partial payment by the May 14 deadline, he would be able to file his lawsuit at a later date when he is able to make the initial partial payment or enough time elapses that a six-month trust fund account statement would show that he has had no income for a full six-month period. In his recent motion to use release account funds, plaintiff does not provide any reason for me to believe that this situation has changed. Therefore, his motion to use release account funds to pay the initial partial payment will be denied.

Plaintiff's motions for injunctive relief must be denied as well. In the April 24 order, I addressed plaintiff's submission of a letter that appeared to be a request for injunctive relief and explained that he must pay the \$1.15 payment before he may file a motion requesting such relief. Because plaintiff has not paid the initial partial payment, this case will be closed and his motions for injunctive relief will be denied.

ORDER

IT IS ORDERED that this case is DISMISSED without prejudice to plaintiff's refiling his lawsuit at some future time.

Further, IT IS ORDERED that plaintiff's motion to use release account funds to pay the initial partial payment, dkt. #8, and his motions for injunctive relief, dkts. ##9, 10, are DENIED.

Entered this 28<sup>th</sup> day of May, 2009.

BY THE COURT:

/s/

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BARBARA B. CRABB  
District Judge